

1

2

3

4

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

5

6

IN RE: UBER TECHNOLOGIES, INC.,
PASSENGER SEXUAL ASSAULT
LITIGATION

7

This Document Relates To:

8

ALL CASES.

9

10

11

12

13

The Court has reviewed the parties' Status Report regarding marketing materials. Dkt. No. 2306.

14

15

A. Non-Custodial Materials

16

17

18

19

20

21

22

23

24

25

26

27

28

Case No. 23-md-03084-CRB (LJC)

**ORDER ADDRESSING STATUS
REPORT REGARDING MARKETING
MATERIALS**

Re: Dkt. No. 2306

If it has not done so already, Uber is ORDERED to produce relevant documents from the

recently identified Box.com repository of marketing materials no later than February 14, 2025.

1 The Court recognizes that the parties dispute whether that is a “custodial” source of documents,
2 and declines to resolve that dispute when Uber has agreed to produce these documents.

3 To the extent any other non-custodial relevant marketing materials remain to be produced,
4 Plaintiffs’ “request that Uber be ordered to complete production of its national marketing materials
5 . . . no later than March 1, 2025” is GRANTED. *See* Dkt. No. 2306 at 6.

6 **B. Communication Logs**

7 Plaintiffs ask that Uber be required to produce plaintiff-specific communication logs for
8 “future bellwether and potential bellwether Plaintiffs,” including production for “select Plaintiffs
9 by March 1, to allow Plaintiffs to amend their complaints by the March 14 deadline set by Judge
10 Breyer.” Dkt. No. 2306 at 4–5. As Uber notes, Pretrial Order No. 21 provides that case specific
11 discovery for bellwether cases opens on March 14, 2025. Dkt. No. 1950 at 3. Uber therefore need
12 not produce case specific discovery before that date, including communication logs.

13 That said, the Court anticipates that case specific discovery will include communication
14 logs for all bellwether plaintiffs, and that such logs will be produced promptly when case specific
15 discovery begins.

16 If Plaintiffs believe that information produced in case specific discovery warrants
17 amending a complaint, they may seek relief from the scheduling order from Judge Breyer. This
18 Court expresses no opinion on whether or in what circumstances such relief should be granted.

19 **C. Declaration**

20 Uber has agreed to provide no later than February 21, 2025 “a declaration with the scope
21 Plaintiffs requested in the previous Joint Status Report, i.e. a declaration ‘that mirrors the
22 declaration the Court ordered Defendants to provide related to policies and related operational
23 guidelines (Dkt. No. 1996),’ to include, ‘over the life of the company where and how its
24 [marketing materials and practices] have been stored and what is specifically stored within each
25 current and historical repository.’ (Dkt. No 2170, at 5–6).” Dkt. No. 2306 at 6 (alteration in
26 original). Uber is ORDERED to do so.

27 “Plaintiffs have requested that the declaration additionally include details regarding the
28 reporting capabilities of the systems which store or have stored, or distribute(d) marketing

1 materials.” Dkt. No. 2306 at 6. Uber contends it is unduly burdensome to provide that
2 information when the systems at issue are no longer in use and therefore unable to generate
3 reports, and when marketing reports generated in the ordinary course of business are available to
4 Plaintiffs in Uber’s document production. *Id.* at 6–7. Uber need not include that information in its
5 declaration, but is ORDERED to continue to cooperate with Plaintiffs in informally providing
6 information about relevant systems. Plaintiffs can presumably also explore the capabilities of
7 Uber’s systems through deposition testimony from the witnesses Plaintiffs already intend to
8 depose.

9 Plaintiffs also request “an itemized list of materials [Uber] has produced in response to
10 each of Plaintiffs [sic] discovery request.” Dkt. No. 2306 at 6. Uber asserts that Plaintiff added
11 that request “on the eve of filing [the joint status] report.” *Id.* at 7. Uber also asserts that
12 “Plaintiffs’ requests are both so broad and so overlapping that such a list would have no meaning,”
13 and that Rule 34 does not require such identification when documents are produced as maintained
14 in the ordinary course of business. *Id.*

15 In the Court’s view, the itemized list Plaintiffs seek to include in Uber’s declaration is not
16 required by Rule 34, may be unduly burdensome, and has not been addressed sufficiently through
17 the meet-and-confer process before being presented to the Court. That request is DENIED.

18 If Plaintiffs believe that Uber has not provided sufficient documents in response to a
19 narrowly tailored subset of particularly important document requests, the parties shall meet and
20 confer regarding appropriate means to identify documents Uber has produced in response to those
21 requests.

22 **IT IS SO ORDERED.**

23 Dated: February 10, 2025

24
25
26
27
28



LISA J. CISNEROS
United States Magistrate Judge